

**MINUTES
COLUMBUS PLAN COMMISSION
WEDNESDAY JUNE 4, 2003 AT 4:00 P.M.
MEETING ROOM, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, John Hatter, Shirley Todd, Jack Heaton, Patricia Zeigler, Steve Ruble, Mike Gillespie, Dave Bonnell, Mike Thomasson and Gary Nienaber.

Members Absent: Craig Hawes.

Staff Present: Roger Hunt, Planning Director, Heather Pope, Laura Thayer, Sondra Bohn, Thom Weintraut, Tiffany Strait, Planning Department; Tom Finke County Plan Commission liaison, Dave Zellner, Chief Code Enforcement Officer and Alan Whitted, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Minutes of May 7, 2003.

Mr. Hunt recommended that two items from the regular agenda be moved to the consent agenda.

C/RZ-03-03 Myers Rezoning: A request by Steven P. Myers and Mary H. Myers to amend conditions of prior rezoning for 2 lots totaling 22,500 square feet in the B-1 district (Neighborhood Business). The property is located on the south side of 25th Street, 175 west of Glenview Drive in the City of Columbus.

Mr. Hunt stated that the City Council at the meeting last evening aligned with their recommendation and approval for an amendment. It is a very modest change in the language under permitted uses. The plan is still the flower shop, but with changes by City Council it is necessary to have Plan Commission reconcile those differences and in this case the reconciliation is technical so therefore it would be reasonable to put it on the consent agenda.

RZ-03-06; Graham Todd Rezoning-A petition by Designs by Daugherty Inc., on behalf of Quad Properties LLC, to rezone a 0.63 acre parcel located on the northwest corner of fourteenth Street and Central Avenue, from I-2 (Medium Industrial) to B-5 (General Business.)

Mr. Hunt stated that City Council last evening approved an insertion of a condition on lighting that is the same that has been received a number of times specifying 0.1 foot candles of the property line.

Mr. Hunt said it would be appropriate to add these two items to the consent agenda at this time.

Motion: Ms. Todd made a motion to approve the consent agenda. Mr. Thomasson seconded the motion and it carried unanimously.

OLD BUSINESS REQUIRING COMMISSION ACTION

RZ-03-07: Gordon Miller Rezoning-A request initiated by Designs by Daugherty, Inc. on behalf of R. Gordon Miller and Mardett Investments, LLC to rezone 3 lots totaling 2.25 acres RB (Restricted Buffer) and R-3 (Single Family Residential) to B-2 (Community Business). The property is located at 3211, 3221 and 3225 Washington Street in the City of Columbus.

Mr. Hunt presented the case as follows:

This item was originally slated for your May 7 meeting, but a defective legal advertisement and public notice delayed it for one month. Please refer to the staff report in last month's packet for full background information. In summary, the proposal is to rezone the three subject properties from RB and R-3 to B-2, which would allow retail development on the site. To staff's knowledge, the owners have no specific plan for the property at this time.

The previous staff report recommended rezoning to B-1C instead of B-2. The commercial zoning designation makes sense on the corner of Washington and National; however, the B-2 list of permitted uses is lengthy and includes some possibilities that would compromise the quality of life in the adjacent Rost Addition residential neighborhood.

After discussing this issue internally, with applicants, representatives and with area residents, the staff believes it is appropriate to suggest a few additional conditions, as follows:

- * *Site Plan Review by Plan Commission:* The neighbors are understandably concerned that a new development could take them by surprise. Under normal business zoning, the only planning review needed to allow a project to proceed is a staff-conducted site plan review for the basics (parking, landscaping, etc.) Under this provision, neighbors would receive public notice of a Plan Commission public hearing on any site plan for the property. This is an added layer of assurance that development on this transitional property will be compatible with neighboring residents.
- * *List of Prohibited Uses:* neighbors and others have expressed concerns that even B-1 permitted uses would allow incompatible development, much less B-2. This is a legitimate concern. The list in B-1 includes such significant uses as drugstores, fish markets, and sporting goods stores. (This list may seem out of character for a Neighborhood Business District, but recall that not too long ago, a drugstore was a small shop that sold pharmaceuticals and maybe greeting cards. Today's mega-drugstores weren't common when our zoning ordinance was originally drafted.) The staff suggests limiting uses to those which are truly neighborhood in character, or at least function the same as neighborhood businesses in terms of traffic volume, hours of operation, and so on.

With these added stipulations as well as the original list, the staff believes this rezoning is appropriate and will benefit the community as a whole.

Mark Daugherty of Designs by Daugherty and Jeff Rucker, attorney at law, represented the petitioners.

Mr. Rocker stated that he was representing R. Gordon Miller who could not be present due to health issues. He stated that Mr. Miller who owns the southern most properties and Mr. Mark Pratt who owns the northern most property are competent developers. He said Mr. Miller has been a good neighbor. He said that his clients have no fixed intentions of development in the foreseeable future. He said they feel this flows very naturally with the Comprehensive Plan. He believes he it was a smart development move for someone who owns the proprieties with the restrictions that staff has suggested. Mr. Rocker stated that the southern most part of the property is zoned RB. It is three quarters of the rezoning request. He said the RB zoning already allows for the use that staff has proposed. He said those can already be done on 1.7 odd acres and it would be beneficial to add the other two parcels to this rezoning. The new zoning also allows for appropriate buffering to be installed, especially on the north end. He said this would not be a neon use. He said it would be something that would operate during the working day. Mr. Rocker said the neighbors would see very little traffic unless they were home during the day. He stated that this was a transitional area and the Comprehensive Plan addressed this issue. Mr. Rocker stated that the Rocky Ford character area speaks to encouraging neighborhood commercial uses. Mr. Rocker said they were there to work with people. He said they have no problems with recommendations with staff comments.

Mr. Thomasson asked Mr. Rocker what the specific differences were between RB and B1-C. Mr. Rocker stated that RB allows for day care centers, kindergartens, schools, art and music studios, museums, theaters, convention centers, assembly halls, and catering. With the B-1C rezoning he stated that would be professional offices, including medical and dental offices, business service uses and that is the majority of what is left that could locate at this site. The difference would be that this zoning would include three units instead of one.

Mr. DeLap opened the meeting to the public.

Mr. Jeff Marshall spoke in opposition to the project. He also presented a petition to the members and a document. This document will be kept on file in the Planning Department as a permanent part of this objection to this request.

Mr. Ernie Clapp expressed concern about traffic and the commercial effect that the development would have on the neighborhood.

Ms. Phyllis McKinney who lives on Willow Lane expressed concern about losing the green space. She also does not want her property values affected by the commercial development.

Mr. Harold Keller and wife stated they wanted to retire there in a peaceful setting and this development would affect the value of the property which would decrease.

Ms. Mary Ann Robbins stated she had lived there thirty-eight years. She expressed concern about the added traffic and especially the impact it would have when the small children are being picked up for school.

Ms. Rebecca McClain stated she was a realtor and lived in the community. She said the value of the residence would decrease if the rezoning were approved.

Andy Spurling expressed concern for the safety of small children.

Mr. Jerry Washman stated that the neighborhood was a peaceful place to live at the present and he did not want any change.

Ms. Barbara Robertson stated she was opposed to development in this area.

Mr. DeLap closed the meeting to the public.

Mr. Thomasson asked if the commission and staff had addressed concerns about the residential complaints.

Ms. Zeigler asked the size of the buffer that would be in place.

Mr. Hunt stated there would be a 40-foot buffer on the north and south sides of the development.

Ms. Zeigler said she thought a lot of information had been presented to the commission at one time and it might be difficult to digest all once.

Mr. Rocker stated that they would agree with the restrictions suggested by staff and staff comments if this rezoning was allowed to go forward.

Much discussion was held regarding this request about the difference between the existing zoning and the proposed zoning.

Ms. Todd expressed concern about the amount of traffic generated at this intersection at the present time and how close the buildings were located to the road.

Motion: Ms. Todd made a motion to deny this request for a lot of reasons. Mr. Thomasson seconded the motion and it carried with a vote of 10-0.

RZ-03-02 Able Energy-Jacobs Rezoning (Returned by City Council with amendments.)

Mr. Bonnell recused himself from this request.

Mr. Hunt presented the background information on this request.

As you know, Indiana law requires that any amendments made by City Council to a rezoning ordinance must be reconciled (agreed to) by the Plan Commission before the adopted ordinance becomes final. City Council in this case added two amendments to the six already approved by Plan Commission. The two Council changes appear as Conditions #7 and #8 on the attached draft ordinance.

Condition #8 is self-explanatory and is identical to conditions adopted in connection with other sizeable projects in recent years. Condition #7 ensures that the Council (and of course the public) will have the opportunity to publicly understand and discuss the results of the traffic and drainage studies required in the first several conditions. If adopted, this review would probably take place after Plan Commission approval of a preliminary subdivision plat for the property, but before the final plat is approved. The Council would not be able to (and do not wish to) vote or otherwise act to approve or disapprove the plans; in fact, they are prohibited from doing so by state law, according to staffs interpretation. However, the public review is another opportunity to reassure

residents of High Vista and Eastridge Manor in particular that their storm water and traffic concerns are being addressed.

Staff sees no issues with either of these conditions as adopted. We recommend that the Commission affirm the ordinance as adopted, including the Council amendments.

E.R Gray of E.R. Gray and Associates represented the petitioners.

Mr. Gray stated that the developers agreed with City Council and staff comments.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Zeigler made a motion to approve this request with staff comments and as presented by the Council. Mr. Heaton seconded the motion and it carried with a vote of 8-1 with Ms. Todd being the nay vote.

NEW BUSINESS REQUIRING COMMISSION ACTION

The following two items involve the same property and were discussed together by the Commission.

SU-03-5: Community Church of Columbus Special Use Rezoning: A request by the Community Church of Columbus to rezone approximately 6.36 acres on the northwest corner of Rocky Ford and Marr roads from AG (Agricultural) to SU-1 (Churches). The property is located in the territorial jurisdiction of the City of Columbus.

Ms. Thayer presented the background information as follows:

The Community Church of Columbus has recently acquired the property and is planning to develop the site for recreational use, including basketball and tennis courts, soccer and softball fields, a small storage shed, and a 116-space parking lot. The Parks and Recreation Department owns the property between the church parcel and Haw Creek, and this is a future location for a section of the People Trail. The recreational courts and fields are proposed as an accessory use for the church and will not be open to the public. The Church is aware of the permits and reviews that are necessary because of the property's location in the flood hazard area (see "Floodway Issues," below). The property is outside, but surrounded by, the city. As such, public utilities and other city services are not available.

Staff believes the proposed use is appropriate for the property, but because of several issues to be resolved, is recommending continuing the request to the July meeting. One of the issues is that the rezoning ordinance would have to go to City Council at its first regular meeting after Plan Commission certification. (This would be June 17, but the deadline for submitting items for the agenda is June 9), but the ordinance would be incomplete if a revised property description is not submitted by the petitioners in time.

Flood hazard zone: most of the property is in floodway; part is in Zone A; a small part is outside the flood hazard area.

Federal regulations and our zoning ordinance both designate 100-year floodplains as restricted development areas. A regulated floodplain consists of two basic areas; (a) the

floodway, which is the area closest to the river course and therefore most likely to flood; and (b) the flood fringe, which is farther away and less restricted. Development of any kind in the floodway requires special engineering to avoid creating hazardous conditions downstream and requires rigorous review by state and local experts before approval is granted.

The property to be rezoned is located partly in the floodway. If the rezoning is approved, no development can occur until both the Indiana Department of Natural Resources (IDNR) and the Plan Commission's Technical Review Committee (TRC) have approved the plans.

The City Engineer has indicated that parking lot drives should line up with existing drives on the opposite side of the road to the extent possible. Also, the two access points proposed for the parking lot do not meet drive separation standards.

The number of parking spaces is appropriate for the use proposed according to Ed Curtin of the Parks Dept. The site plan should show the dimensions of the parking spaces, aisle width, and handicapped spaces. The petitioner should consider linking the parking lot to the planned People Trail to the west to facilitate easier access to the various courts and fields.

No landscaping is proposed on the site plan. Minimally, the parking lot should be buffered. Staff recommends that, if the rezoning is approved without a landscape plan, the petitioner shall be required to submit a plan to the Landscape Review Committee.

It is staff's understanding that no lighting is planned for the facility. If the petitioner decides that lighting is desirable either for security or in order to play night games, staff review is recommended to avoid a negative impact on traffic or adjacent residential properties.

MP-03-08; Community Church of Columbus Minor Plat, By Community Church of Columbus is a proposal to create 1 lot totaling 7.54 acres. The property is located on the west side of Marr Road, approximately 98 feet north of Rocky Ford Road in Columbus Township.

Ms. Strait presented the background information on this request:

The Community Church of Columbus owns this parcel. They desire to use it for church outings. Recently the Columbus Parks Dept. and the Community Church petitioned to rezone it to SU- for joint usage by the parks dept. and the church. However, the Parks Dept. decided to withdraw the petition. It is now going through the platting with the Community Church as the sole petitioner. They have committed to rezoning the parcel to SU-1 as a condition of approval for secondary plat approval. Note: The petitioners are currently in the process of asking for rezoning the parcel. This petition is also on your agenda today.

Most of the SRC comments were technical in nature. However, a few issues must be noted. First, since the parcel exceeds the 3:1 length to width ratio as stated in the Columbus Subdivision Control Ordinance, relief must be granted by the Plan Commission. Staff has no objection due to the fact that this is a pre-existing parcel that is suited for its intended use and

will not be buildable.

Second, the petitioners are requesting relief from the sidewalk requirement. Staff recommends approval due to the people trail that will run to the west of this property.

Third, as was stated in SRC, rezoning must be approved before secondary approval is obtained on the plat.

Last, because there is no city sewage disposal available to this parcel, staff has recommended that a note be attached to the plat stating that, "No residential structure will be permitted to be built on the lot."

Staff recommends approval of the subdivision provided that all staff comments have been addressed.

Staff recommends that the Plan Commission grant relief of the sidewalk requirement along the frontage of this parcel due to the fact that there are plans for the people trail to run west of this property. Pedestrians can be kept further back from Marr Road, which is classified as a collector road.

Staff recommends that Plan Commission grant relief from the 3:1 ratio requirement. This parcel is a pre-existing parcel, suitable for the intended use and will not be used as a residential lot.

Rik Sanders with E.R. Gray and Associates and Richard Maurer represented the petitioner.

Mr. Maurer who represented the Community Church of Columbus addressed the eight conditions raised by staff. He said they were willing to relocate the driveways, the drainage plan would be detailed, he said they were in agreement with the height limitations placed on the building which would be 15 feet in height, he said they would submit a landscape plan to the Landscape Review Committee and said they would give special consideration to their neighbors to the north who have concerns regarding buffering the parking area. He said they would submit a proper site plan to the planning department, which would address parking, dumpsters and proper screening. He said the signage would comply with the ordinance. He said they would annex the property as requested if they could afford the expense. He said lighting was not planned for this site and if it were they plan to use a professional to design the lighting system. He requested that the board approve this rezoning before all of the drainage plan, platting, site plan, and architectural drawings are done because of the expense to the church.

Mr. Sanders stated that the church did not have a problem dedicating the right of way that is required by the ordinance. He said what was required is shown on the plat submitted.

Mr. Maurer said that if the complete right of way that is proposed for this area were permitted it would have a negative effect on this project.

Mr. Ruble said that the road plans that are completed are in the final stages. He said they intend to move forward with right of way acquisition. Mr. Ruble stated that a one-month continuance would allow the petitioner and the engineer's office to meet to make some decisions regarding this request.

Mr. DeLap opened the meeting to the public.

Mr. Ed Curtin with the Park and Recreation Department spoke in favor of this request.

A letter was read into the record from Michele LaPointe who is a resident in the Rocky Ford Crossing subdivision. Ms. LaPointe also was present and spoke. Her property is adjacent to the church. She expressed concerns about development of this request.

Mr. Sandy White submitted a letter to be read into the record by Mr. DeLap. He expressed concerns about this request, especially how the development of Marr Road would effect this development.

Mr. DeLap closed the meeting to the public.

Motion: **SU-03-5: Community Church of Columbus Special Use Rezoning**-Ms. Zeigler made a motion to continue this request to the next meeting. Mr. Thomasson seconded the motion and it carried with a vote of 10-0.

Motion: **MP-03-08: Community Church of Columbus Minor Plat** -Mr. Heaton made a motion to continue this request to the next meeting. Mr. Gillespie seconded the motion and it carried with a vote of 10-0.

Mr. Mike Thomasson announced he was resigning from the Board and this would be his last meeting as he was moving to another city. He said he had enjoyed serving almost eight years on the Commission

Mike Thomasson and Gary Nienaber left the meeting at this time.

RZ-03-10: Qunico Mapleview II Rezoning-A petition by Qunico Consulting Center, Inc., to rezone a property of 0.85, located on the west side of Schnier Street between 10th Street and Pavilion Drive in the City of Columbus, from RB (Restricted Buffer) to R-6 (Multi Family Residential).

Mr. Hunt presented the background information on this request:

Quinco developed and operates the original Maplewood multi-unit project, which is located immediately north of the subject property along the west side of Schnier Street. (Schnier Street is an easily-overlooked local street that runs south from 10th Street just west of and parallel to Marr Road; it serves a few single-family houses, the original Maplewood, and Quinco's new main facility, then turns east and changes its name to Pavilion Drive before intersecting Marr.)

Quinco has had a successful experience operating Maplewood, which serves environmentally challenged residents who utilize Quinco's medical and behavioral services. The rezoning would allow another building, smaller but otherwise quite similar to the first, to be built on this vacant lot already owned by Quinco, so that additional clients could be accommodated. The project would be facilitated by the federal Department of Housing and Urban Development and would fill a niche in the community's social service needs.

The accompanying A Schematic Site Plan shows the buildings layout and relationship to other properties, including the original building. Also shown are the parking areas for both buildings. The design does not meet R-6 requirements for minimum number of parking spaces; however, most of the residents do not have vehicles, and actual parking demand is much less than the typical R-6 apartment building of similar size. Quinco is in the process of seeking a variance to allow reduced parking and to allow the parking lot to straddle the lot line as indicated.

In general, the plan seems workable and in keeping with Columbus developmental standards other than parking. A detailed site plan will be required for approval by planning, engineering and city utilities staff before a Zoning Compliance Certificate can be issued, but the staff foresees no difficult issues at this point. There is not need to lock in the site plan through rezoning conditions, and in fact no need for a conditional rezoning. The multitude of federal, state and local regulatory review processes will ensure that something very much like the schematic will wind up on this lot. Even if Quinco for some reason no longer owned the lot later on, a standard small R-6 development could fit on the lot without much difficulty.

E.R. Gray of E.R. Gray and Associates and Shirley Arney Vice President of Community Services. represented the petitioners.

Mr. Gray said they would not be needing the off site parking.

Ms. Arney stated that this rezoning would allow another building to be built on this vacant lot that would service the residents who utilize Quinco medical and behavioral services. She said the project would be facilitated by the Department of Housing and Urban Development and would fulfill a need in the community.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Todd made a motion to approve this request with staff comments. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

The following two items were discussed together by the Commission.

RZ-03-09 Schwartzkopf Rezoning: A request by Bob and Sarah Schwartzkopf to rezone a parcel of 7,064 square feet, located at 732 Chestnut Street in the City of Columbus, from SU-1 (Churches) to R-6 (Multi-Family Residential).

Ms Thayer presented the background information on this request.

This lot was part of St. Bartholomew's property in the 700 block of Sycamore and Chestnut Streets and is zoned SU-1 (Churches). This zoning designation was appropriate for an accessory to a church. The church is now selling this parcel and the house located here will be used as a private residence. With SU-1 zoning, it becomes a legally nonconforming use. Changing the zoning to R-6 brings it into conformance with its actual use and with the surrounding neighborhood.

The property fronts on Chestnut Street, which is a one-way arterial. According to the zoning ordinance, the setback for improved blocks shall be in accordance with the setback distance already established. The setback for the house on this lot is compatible with other houses in the block and does not encroach into the right-of-way. An administrative subdivision for the property was approved recently. This increased the setback on the north side of the house to bring it into conformity with the ordinance in regards to side setbacks.

The lot size is 7,064 square feet, which exceeds the minimum lot size for the R-6 district. The frontage for this lot is 47.39, which is less than the 50-foot requirement for the zoning district. The zoning ordinance also states that for improved blocks, the frontage may be reduced to the average for all lots on the block. This lot complies with the average frontage for the block.

RZ-03-08 Fields Rezoning: A request by Patricia and Larry Fields to rezone a parcel of 9,897 square feet, located at 742 Chestnut Street in the City of Columbus, from SU-1 (Churches to R-6) (Multi Family Residential).

Ms. Thayer presented the background information on this request as follows:

This lot was part of St. Bartholomew's property in the 700 block of Sycamore and Chestnut Streets and is zoned SU-1 (Churches). This zoning designation was appropriate for an accessory to a church. The church is now selling this parcel and the house located here will be used as a private residence. With SU-1 zoning, it becomes a legally nonconforming use. Changing the zoning to R-6 brings it into conformance with its actual use and with the surrounding neighborhood.

The property faces Chestnut Street, which is a one-way arterial, and also has a frontage on 8th Street, which is a local street. According to the zoning ordinance, the setback for improved blocks shall be in accordance with the setback distance already established. The setback for the house on this lot is compatible with other houses in the block and does not encroach into the right-of-way. Side and rear setbacks meet the standards for this district.

The lot size is 9,897 square feet, which exceeds the minimum lot size for the R-6 district.

Mr. E.R. Gray with E.R. Gray and Associates represented the petitioners, which is St. Bartholomew Church. They had made an agreement to initiate the rezoning these two tracts from SU to residential with Planning Staff when they meet to discuss the administrative subdivision.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: **RZ-03-09: Schwartzkopf Rezoning**-Mr. Gillespie made a motion to approve this request with staff comments. Mr. Bonnell seconded the motion and it carried with a vote of 8-0.

Motion: **RZ-03-08 Fields Rezoning**-Ms. Zeigler made a motion to approve this request with

staff comments. Mr. Gillespie seconded the motion and it carried with a vote of 8-0.

PUD-03-05: Western Hills Crossing PUD Rezoning- a petition by John F. & Linda A. Guckenberger to rezone a tract of approximately 180 acres, located at the southwest corner of CR 440W and CR 300S in Ohio Township, from AG (Agricultural) to PUD (Planned United Development), for the purpose of creating a large-lot residential development, consisting of nine lots with approximately 19 acres each, to be served by a semi-public water system and individual septic wastewater treatment systems.

Mr. Hunt presented the background information as follows:

The property in question is a large, 180-acre agricultural tract located in the hilly rural area east of Grandview Lake, barely inside the city's 2-mile jurisdiction. The proposal would divide the property into nine very large (about 20 acres each) residential lots. Southwestern Bartholomew Water lines would supply water, but there are no sewer lines within reasonable distance, so wastewater disposal would be with septic tanks.

The staff has met several times with the principals, including the Guckenbergers, owners of the property, project engineer/surveyor Orwic Johnson, and Mr. Tom Gallagher of Countrytyme Properties in Indianapolis, who would handle actual development. All have been apprised that this proposal is a guinea pig request. This is the first septic-based major residential subdivision proposed for the 2-mile jurisdiction since Phase II of the Comprehensive Plan was adopted.

The applicants have gone about as far as is realistically possible to shape this development in a low-impact fashion. The lots are very large and would have plenty of room for septic and finger-system installation. Nine new houses would not greatly impact traffic or environmental resources. No new streets would be constructed. Covenants or restrictions on the property would help ensure quality development.

All these considerations notwithstanding, it is difficult to reconcile this request, or any major subdivision development that doesn't include public sewer service, with the very specific language in the Comprehensive Plan concerning this development. The staff believes this proposal cannot meet the Comprehensive Plan test and therefore needs to be denied.

There are not many ways to dispose of wastewater. Privies still exist in Bartholomew County, but they are not a good idea (perhaps excepting at summer camp). Septic systems must be maintained, and unless one is extremely lucky, lack of maintenance will lead to failure and a serious and messy situation. Lake.

This leaves public sewers. The only truly public sewer in this part of the county is the City of Columbus system, which stops at the city's boundary. Under current policy the city will not serve properties outside the city unless they are annexed or (in specific individual circumstances) the owners sign a waiver of right to remonstrate against future annexation. Annexing this development is not an option until the city boundaries become adjacent, and in any case would cost hundreds of thousands of dollars. The waiver option is usually reserved for those with failing septs, contaminated wells, and critical need to deal with those problems. There do not appear to be any good options for major residential development here.

Mr. Orwic Johnson and Tom Gallagher a realtor with Countrytyme represented the petitioners.

Mr. Johnson stated that he was aware that this would be test for the new Comprehensive Plan. He said this was farm development using septic systems. He said they were creating nine mini farms. He said the use set forth in the PUD are agricultural uses. He said they fit the farm definition that appears in the zoning ordinance. He said this does not appear to be ruled out in the Comprehensive Plan. He said this would be orderly expansion. He said that the city's infrastructure had not reached that area at this time. Mr. Johnson said that the State Board of Health has been approving septic fields on sites like these proposed.

He said the best use for this land was mini farms, which would produce additional revenue for the county by creating additional tax revenue. He said there would be opportunity to create new housing and some innovation farming methods and uses. He said the Comprehensive Plan does Rule out mini farms. He stated the petitioner has complied with the both requirements of the Comp Plan and the criteria for rezoning.

Mr. Gallagher with Countrytyme Real Estate Company stated he would like to do a development in this area that would make the community proud.

Discussion was held about prior development in this area. (Tape inaudible)

Mr. Heaton said it was difficult for him to accept this development as mini farms to fit into the Comprehensive Plan.

Mr. Gallagher said this was not prime farmland to be developed and this was the best use for this property.

Much discussion was held regarding the Comprehensive Plan and this request. (Most of the tape was inaudible.)

Mr. Bonnell stated he thought this was good use for this land.

Mr. DeLap opened the meeting to the public.

Mr. Jeff Bush expressed concern regarding about drainage and this development would not fit into the neighborhood. He also stated that he was opposed to the lots being subdivided in the future into smaller lots and the flooding that now exists in the area.

Mr. Don Schmitt stated he was concerned about drainage and the restriction of water flow on the north side. He said drainage and flooding is a problem in the area.

Mr. Chuck Springhorn expressed concern about drainage and tall weeds at the intersections.

Mr. Tom Bannister who developed Somerset Meadows said that he was concerned about the subdividing of the large lots into smaller ones for development.

Mr. DeLap closed the meeting to the public.

Mr. Weintraut explained the maps and how the flooding in the area was determined by FEMA. He stated that further studies would need to be done to determine the accurate base flood level.

Mr. Johnson said they did not respond to drainage issues, traffic and the other issues until the

platting stage. He said the FEMA map was grossly inaccurate.

Mr. Bonnell asked if a note could be put on the plat about future sub diving of these lots.

Mr. Hunt said that could be a condition that the board could request.

Much discussion was held regarding flooding and access to these lots. (Most of this tape was inaudible during this discussion.)

Motion: Mr. Bonnell made a motion to approve this request with stipulations that an acceptable drainage plan to submitted, no further sub diving of the lots and roads be 18 feet wide. Mr. Gillespie seconded the motion and it failed with a vote of 3-5, with Ruble, DeLap, Zeigler, Todd and Heaton being the nay votes.

Motion: Mr. Gillespie made a motion to continue this request to the next meeting. Mr. Bonnell seconded the motion and there was a tie vote with 4 yah and 4 nay with Heaton, Zeigler, DeLap and Todd being the nay votes.

Motion: Mr. Heaton made a motion to deny this request. Ms. Todd seconded the motion and it carried with a vote of 6-2 with Bonnell and Gillespie being the nay vote.

MP-03-09 Quad Properties Minor Subdivision, By Robert Dalmbert (Quad Properties, LLC), is a proposal to create 1 commercial and 1 industrial lot totaling 4.74 acres. The property is located on the northwest corner of the intersection of 14th Street and Central Avenue in Columbus.

Ms. Strait presented the background information as follows:

As part of the requirements of the Graham Todd 14th Street Rezoning, this subdivision will create 2 lots out of the existing one. The current parcel (Both Lots 1 & 2) is zoned I-2. The subdivision will create an additional, smaller lot (Lot 2), which is being petitioned to become a B-5-zoned parcel.

Most of the issues with the Quad Properties Minor Subdivision have been addressed. One item, however, still needs to be resolved, Right-of-Way Dedication. The petitioner does not want to dedicate the full amount of right-of-way along proposed Lot 2 because it would not match with right-of-way along the Lot 1 Central Ave. Frontage. However, Lot 1 has an existing building that would lie directly in the right-of-way, should they dedicate it. Lot 2, however, is vacant and could easily comply with the subdivision control ordinance to dedicate the proper amount. Should they not be required to dedicate right-of-way, the petitioners will need to request relief from that provision in the Subdivision Control Ordinance.

Staff has no objection to this subdivision provided that all staff comments are adequately addressed.

Staff recommends that the full right-of-way be dedicated along the Lot 2 Central Ave. frontage. Therefore, staff recommends denial of the request for relief from the Subdivision Control Ordinance.

Rik Sanders with E.R. Gray and Associates and Robert Dalmbert represented the petitioners.

Mr. Sanders stated they were asking relief from the requirements of sidewalk construction and relief from the dedication of a full 50 feet along Central Avenue. The property is located between Central on the East, 14th street on the south, and Cottage Avenue already on the west. The site already has sidewalks. Fifty feet of right of way dedication would encroach into the building on Lot 1 and is unnecessary on Lot 2. He said the 30 feet of dedication would include the sidewalks.

Ms. Zeigler asked if the exiting sidewalks would need improvement.

Mr. Strait stated that would not be necessary.

Mr. Ruble stated that the relief from the right of way on Central could affect future expansion. It is now two lanes each direction but it might be necessary to add a turn sometime. He stated that the building might be torn down someday and he would prefer that the relief from the right of way for the car lot be denied.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Heaton made a motion to approve this request with staff comments. Ms Zeigler seconded the motion and it carried with a vote of 7-0.

AO-03-01: Amendment to Zoning Ordinance Regarding Connection to Water Service in Low Density Residential Districts-An amendment to revise water service requirements in the R-1 and R-2 Zoning Districts, to allow fire coverage by entities other than Columbus Fire Department prior to annexation.

As we discussed over our previous two meetings, the staff has perceived a need to amend the zoning ordinance so that we do not set up an impossible set of conditions for development in the city's 2-mile jurisdiction. Since September 1999, it has been impossible to develop property residentially, industrially or commercially in the 2-mile area without either a variance or rezoning to PUD or another special category. A number of variances have been granted since 1999 to allow individual houses to be built. However, repeated requests for variance to the same ordinance provision is often a warning sign that the ordinance is out of line with reality. That seems to be the case here. PUD rezoning should be reserved for sizeable developments, not single lots here and there, so this alternative is not good planning practice

The attached amendment would loosen this restriction for large-lot, low-density residential developments. Specifically, for the R-1 and R-2 districts only, it eliminates the need for Columbus Fire Department to provide fire protection to these properties. CFD does not at present provide fire protection outside the city limits, and it is not likely that this will change. Therefore, no alternative except the variance or PUD exists for 2-mile properties. (Annexation is another possibility, since annexed properties can have CFD service; however, unless a property is already contiguous to the city it cannot be annexed.)

Under the proposed amendment, public or semipublic water is still required. This prohibits wells as a source for potable water, and in practice it means water would come from Eastern

Bartholomew Water Corp. or Southwestern Bartholomew Water Corp. The CFD would still have to approved the water service for firefighting purposes; this is to ensure that the service will be adequate if the territory is annexed some future day.

We recommend limiting the change to R-1 and R-2 only. It is neither in the cities nor the public's best interest to have commercial, industrial, or dense residential development outside the city limits. R-1 and R-2 zoning would fit most if not all of the situations where variances have been requested, and this zoning is in keeping with the rural development pattern envisioned by the Comprehensive Plan.

The staff also has taken this opportunity to clean up a reference in all the districts to the effective date of the Fire Department regulations. All districts would now have a date reference as to when the regulations took effect. This makes it easier for surveyors and landowners to tell if they fall under the old or new regulations.

Staff recommends that the Plan Commission pass this amendment to City Council with a favorable recommendation.

Mr. DeLap opened the public meeting.

There was no one present to speak for or against this request.

Mr. DeLap closed the pubic meeting.

Motion: Ms. Zeigler made a motion to approve the request. Ms. Todd seconded the motion and it carried with a vote of 7-0.

DISCUSSION ITEMS

DIRECTOR'S REPORT

Mr. Hunt said Plan Commission member would be notified in the change of the July Plan Commission Training by staff at a later date

ADJOURNMENT: 7:45 P.M.